IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

WEDNESDAY, THE 7TH FEBRUARY 2007 / 18TH MAGHA 1928

WP(C).No. 25867 of 2006(D)

PETITIONER:

ARYA ANDARJANAM, W/O.KRISHNAN NAMBOODIRI
AGED 61 YEARS, VILAKRATTUMANA,
PARAPPURAM P.O., KANJOOR, KALADY, ERNAKULAM.

BY ADV. SMT.K.V.RESHMI

RESPONDENTS:

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1. THE STATE OF KERALA, REP. BY THE SECRETARY, DEPARTMENT OF HOME AFFAIRS, SECRETARIAT, THIRUVANANTHAPURAM.

2. THE SUPERINTENDENT OF POLICE, ERNAKULAM RURAL, ALUVA, ERNAKULAM DISTRICT.

3. THE S.I. OF POLICE, KALADE POLICE STATION.

4. THE DIRECTOR GENERAL OF POLICE, THIRUVANANTHAPURAM.

ADDL.R5. PERINGOTTUKARA NAMBOODIRI YOGAKSHEMA SABHA, HAVING ITS REGISTERED OFFICE AT ANTHIKKAD, TRISSUR, REP. BY ITS SECRETARY.

(IMPLEADED AS PER ORDER DT.9.11.06 ON IA 14795/06)

R1 TO 4 BY GOVERNMENT PLEADER SRI. GIKKU JACOB
ADDL.R5 BY ADV. SRI. V. GIRI

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07/02/2007, ALONG WITH WPC NO. 27023 OF 2006 WPC NO. 27616 OF 2006 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

R. BASANT, J.

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W.P.C.Nos. 25867 of 2006 D,
27023 of 2006 P & 27616 of 2006 K

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Dated this the 7th day of February, 2007

JUDGMENT

Peringottukara Namboodiri Yogakshema Sabha conducts kuries and other financial services. A complaint has been lodged by the said Sabha against some of its employees alleging that misappropriation etc. have been committed by such employees. That complaint is registered as Crime No.701 of 2005 of Kalady Police Station.

2. Some persons, who had transactions with the Sabha, have, in turn, filed complaints alleging that the Sabha and its employees have committed crimes in relation to their transactions with the Sabha. Crimes 214, 221, 222 and 223 of 2006 were also registered at the instance of such complainants at the Kalady police station.

3. The petitioners in these cases are also persons, who had transactions with the Sabha. While the investigation into Crime No.701 of 2005 and 214, 221, 222 and 223 of 2006 are pending, they have also raised allegations that crimes have been committed in

respect of the transactions which they had with the Sabha. They have come to this Court with a grievance that their complaints are not being properly looked into and investigated. No crimes have been registered on the basis of their complaints.

4. At the stage of arguments, it is submitted by the learned Prosecutor that all the five crimes referred above are being investigated by the same police officer now considering the integrity of the allegations raised in these five different crimes. It is true that various customers have also raised their complaints. But separate crimes are not being registered as the grievances raised by the persons like the petitioners do also come within the sweep of the investigation that is already being conducted on the basis of the five crimes referred above. It is not necessary to register more crimes as the grievances of such aggrieved persons can be brought under the umbrella of the crime 701 of 2005. A proper, efficient and expeditious investigation shall be conducted and is being conducted, submits the learned Prosecutor. A high ranking official of the police - Asst. Superintendent of Police, Alwaye - has been entrusted with the investigation, points out the Prosecutor. It is not, in these circumstances,

necessary to issue any further direction in favour of the petitioners in these writ petitions submits the learned Prosecutor.

5. The learned counsel appearing for the Sabha, i.e. the complainant in Crime 701 of 2005, only prays that an efficient and expeditious investigation may be ensured.

6. The learned counsel for the petitioners submits that now that a consolidated investigation is being conducted by the same Investigating Officer, the petitioners shall be satisfied if their grievances are also taken into account and subjected to scrutiny and investigation by the Investigator. However, the learned counsel for the petitioners brings to the notice of the Court paragraph 10 of the statement filed by the Investigator, the Asst. Superintendent of Police, and submits that no immediate or useful purpose will be served by permitting the Asst. Superintendent of Police to continue with the investigation. I extract para 10, on which reliance was placed by the petitioners, below:

> "10. All possible actions are being taken by me to early completion of the investigation of these cases. However all the document records and CD files in this complex financial case in which several depositors are

> involved is in Malayalam. I have not gained proficiency in Malayalam so far. Thus requiring help from translators."

The mere fact that the Investigating Officer has not gained proficiency in Malayalam is not certainly a sufficient reason for this Court to issue directions invoking powers under Article 226 of the Constitution. It is not as though he is not proficient at all in Malayalam. It is idle to assume that he does not have the assistance of persons proficient in Malayalam, who will be of help to him for the proper conduct of the investigation. I am, in these circumstances, satisfied that no further directions need be issued in these writ petitions now. However, I direct the Investigating Officer, the Asst. Superintendent of Police, Alwaye to conduct and complete the investigation as expeditiously as possible - within a period of six months at any rate. If the investigation does not make suitable and sufficient progress, the right of the parties, including the petitioners, to approach this Court for further directions shall remain unfettered.

7. These writ petitions are, in these circumstances, dismissed with the above observations/directions.

(R. BASANT)
Judge

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